

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Petitioner,

Case No. 3:23-CV-00462-ART-CSD

V.

DISTRICT OF NEVADA, et al.,

Respondents.

Order Dismissing Action as Improperly Commenced

Tyrone Noel Nunn, a Nevada state prisoner in custody at Ely State Prison, appears to have attempted to initiate a 28 U.S.C. § 2254 habeas corpus petition. But he has only submitted a handwritten motion for appointment of counsel that also references in passing that he would like the Court to waive the filing fee. (ECF No. 1-1.) He has not filed a habeas petition, and therefore, has not properly commenced a federal habeas matter. The Court only discerns that he seeks to pursue habeas relief because he refers to himself as “Petitioner.” (See *id.*) Nunn must file a federal habeas petition on the Court’s 28 U.S.C. § 2254 habeas corpus form and include either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*. Local Rule LSR 1-2. Thus, the present action will be dismissed without prejudice as improperly commenced.

1 It is therefore ordered that this action is DISMISSED without prejudice.

2 It is further ordered that the Clerk of the Court will send Petitioner Tyrone
3 Noel Nunn the approved form for filing a 28 U.S.C. § 2254 petition and
4 instructions for the same and the approved form application to proceed in
5 forma pauperis for an inmate and instructions for the same.

6 It is further ordered that a certificate of appealability will not issue, as
7 jurists of reason would not find the Court's dismissal of this improperly
8 commenced action without prejudice to be debatable or incorrect.

9 It is further ordered that the Clerk of Court enter judgment accordingly
10 and close this case.

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13 DATED THIS 9th day of November 2023.

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16 ANNE R. TRAUM
17 UNITED STATES DISTRICT JUDGE

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